February 10, 2016

VIA ELECTRONIC MAIL: (R8_GKM_Claims@epa.gov)

And

U.S. Environmental Protection Agency Attn: Gold King Mine Release (A8K9) Claims 1595 Wynkoop St (MC-8RC) Denver, CO 80202-1129

RE: City of Bloomfield, NM - Claim Form and Supporting Documentation for Gold King Mine Release

Dear Claims Reviewer:

Please accept the attached Claim Form and supporting documentation for expenses related to the Gold King Mine Release that were incurred by the City of Bloomfield. The following items are included:

- EPA Standard Form 95
- Aztec Water Transfer table
- Bill to Aztec
- Receipt of payment (email)
- Table of revenues for August 2014 and August 2015
- Calculation of Overtime table.
- Overtime timesheets
- Water Conservation Press Release

Bloomfield's water source is the San Juan River, and not the Animas River. While water could not be withdrawn from the Animas River, The City of Aztec requested that Bloomfield serve water to Aztec. Please review the attached supporting documentation and let me know if you have any questions, or require further information.

Thank you.

Sincerely,

Jason J. Thomas, PE

City Engineer/Public Works Director

CC: Mr. Eric Strahl, City Manager

Ms. Teresa Brevik, Special Projects Director

Mr. T. Ryan Lane, ESQ, City Attorney

Ms. Cassandra Malone, ESQ, Keleher & McLeod P.A.

CLAIM FOR DA INJURY, OR D	•	Please read carefully the instruint information requested on bot set(s) if necessary. See reverse	h sides of this	FORM APPROVED OMB NO. 1105-0008					
Submit to Appropriate Federal Agence U.S. Environmental Protecti	on Agency	!		Name, address of claimant, ar (See instructions on reverse). City of Bloomfield					
Attn: Gold King Mine Releas 1595 Wynkoop ST (MC-8R0 Denver, CO 80202-1129				915 North First Street Bloomfield, NM 87413 attn: Jason Thomas, P		virector			
3. TYPE OF EMPLOYMENT MILITARY X CIVILIAN	4. DATE OF BIRTH	5, MARITAL STATUS	3	6, DATE AND DAY OF ACCIDENT 08/13/2015	NT	7. TIME (A.M. OR P.M.)			
8. BASIS OF CLAIM (State in detail the the cause thereof. Use additional page) The Animas River serves as Bloomfield are connected by Spill, Aztec requested that we see that the cause the connected by Spill, Aztec requested that we see that the cause that the c	ges if necessary). Is the primary water by a water line for en water be served. The	source for The (nergencies, and ne rate in the ag	City of the r	of Aztec. The water dist rates are set by agreement was \$2.63 per 1,000	ribution syster ent. To meet 0 gallons. The	ns of Aztec and demand during the c current in-city rate for			
water was \$4.57 per 1,000 gallons. Additionally, Bloomfield's water plant operators had to work overtime to meet the extra demand. Bloomfield is requesting reimbursement for the difference between the two water rates, and for the overtime.									
9.		PROPER	TY DA	MAGE					
NAME AND ADDRESS OF OWNER, IF	OTHER THAN CLAIMANT	(Number, Street, City,	State,	and Zip Code).					
BRIEFLY DESCRIBE THE PROPERTY (See instructions on reverse side).	, NATURE AND EXTENT (OF THE DAMAGE AND	THE I	LOCATION OF WHERE THE PRO	PERTY MAY BE IN	ISPECTED.			
The damages incurred due required by the water plant of	to loss of revenue f operators to keep u	rom the discoun p with demand.	ted s	sale of treated water, co pare attached revenue	nservation me data for Augus	asures, and OT st 2014 and 2015.			
10.		PERSONAL INJUR	Y/WRC	ONGFUL DEATH					
STATE THE NATURE AND EXTENT O OF THE INJURED PERSON OR DECE		SE OF DEATH, WHICH	H FORM	MS THE BASIS OF THE CLAIM.	IF OTHER THAN C	AIMANT, STATE THE NAME			
N/A									
11.		WITI	NESSE	S					
NAME				ADDRESS (Number, Street, City, State, and Zip Code)					
Jason Thomas, Public V	Norks Director	City o	ty of Bloomfield, 915 N. First Street, Bloomfield, NM 87413						
Rubin Armenta, Water Plan	nt Superintendent	City o	of Blo	omfield, 915 N. First St	reet, Bloomfie	ld, NM 87413			
Andrew Galloway, Water	Plant Supervisor	c	City of	f Aztec, 201 Navajo Dar	n Rd. Aztec, I	NM 87410			
12. (See instructions on reverse).		AMOUNT OF	CLAIM	(in dollars)					
12a. PROPERTY DAMAGE	12b. PERSONAL INJURY	1:	2c. WF	RONGFUL DEATH	12d. TOTAL (Failur forfeiture of yo	re to specify may cause our rights).			
12,780.57					12,780.57				
I CERTIFY THAT THE AMOUNT OF C FULL SATISFACTION AND FINAL SE			S CAU	SED BY THE INCIDENT ABOVE	AND AGREE TO A	CCEPT SAID AMOUNT IN			
13a. SIGNATURE OF CLAIMANT (See	instructions on reverse side	e).		13b. PHONE NUMBER OF PER	SON SIGNING FOR	RM 14. DATE OF SIGNATURE			

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by the Government. (See 31 U.S.C. 3729).

CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM

The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained

NSN 7540-00-634-4046

505-333-7816

STANDARD FORM 95 (REV. 2/2007) PRESCRIBED BY DEPT. OF JUSTICE 28 CFR 14.2

02/10/2016

CRIMINAL PENALTY FOR PRESENTING FRAUDULENT

CLAIM OR MAKING FALSE STATEMENTS

Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)

INSURANCE	COVERAGE
In order that subrogation claims may be adjudicated, it is essential that the claimant provide	the following information regarding the insurance coverage of the vehicle or property.
15. Do you carry accident Insurance? X Yes If yes, give name and address of insurance	ance company (Number, Street, City, State, and Zip Code) and policy number. No
New Mexico Self-Insurer's Fund PO Box 846	
Santa Fe, NM 87504 Policy No: 1080W	Phone: 505-982-5573
16. Have you filed a claim with your insurance carrier in this instance, and if so, is it full covered to the control of the c	erage or deductible? Yes No 17. If deductible, state amount.
No	0.00
18. If a claim has been filed with your carrier, what action has your insurer taken or propose	
N/A	
19. Do you carry public liability and property damage insurance? X Yes If yes, give no	ame and address of insurance carrier (Number, Street, City, State, and Zip Code).
New Mexico Self-Insurer's Fund PO Box 846	
Santa Fe, NM 87504 Policy No: 1080L	Phone: 505-982-5573
INSTRU	ICTIONS
Claims presented under the Federal Tort Claims Act should be sul employee(s) was involved in the incident. If the incident involves claim form.	bmitted directly to the "appropriate Federal agency" whose more than one claimant, each claimant should submit a separate
Complete all items - Insert the	word NONE where applicable.
A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE, AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY	DAMAGES IN A <u>SUM CERTAIN</u> FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN <u>TWO YEARS</u> AFTER THE CLAIM ACCRUES.
Failure to completely execute this form or to supply the requested material within two years from the date the claim accrued may render your claim invalid. A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.	The amount claimed should be substantiated by competent evidence as follows: (a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of the injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical,
If instruction is needed in completing this form, the agency listed in item #1 on the reverse	hospital, or burial expenses actually incurred

side may be contacted. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplementing regulations. If more than one agency is involved, please state each agency,

The claim may be filled by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with the claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative,

If claimant intends to file for both personal injury and property damage, the amount for each must be shown in item number 12 of this form.

- (b) In support of claims for damage to property, which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.
- (c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.
- (d) Failure to specify a sum certain will render your claim invalid and may result in forfeiture of your rights.

PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

- A. Authority: The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.
- B. Principal Purpose: The information requested is to be used in evaluating claims:
- Routine Use: See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.
- Effect of Failure to Respond: Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid."

PAPERWORK REDUCTION ACT NOTICE

This notice is solely for the purpose of the Paperwork Reduction Act, 44 U.S.C. 3501. Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director, Torts Branch, Attention: Paperwork Reduction Staff, Civil Division, U.S. Department of Justice, Washington, DC 20530 or to the Office of Management and Budget. Do not mail completed form(s) to these addresses.

Water Transfer to City of Aztec 2015 Animas River Water Emergency (Gold King Mine Spill)

Date	Amount (x 1,000) gallons	
13-Aug	46-	1
14-Aug		
15-Aug	379	9
16-Aug	21	7
17-Aug	36	5
18-Aug	36	2
19-Aug	36	9
20-Aug	39	
21-Aug	21:	3
22-Aug	26	7
23-Aug	30	7
24-Aug	40	5
25-Aug		
26-Aug	26	1
27-Aug		(localized flooding)
28-Aug	41	7
29-Aug	31:	2
30-Aug	31	5
31-Aug		5
1-Sep	38	1
2-Sep		7
TOTAL	620	В
	620800	gallons
	19.0	ac-ft

Total Bill to Aztec = \$2.63/1000 gallon

\$16,327.04

Total Cost at commercial rate = \$4.57/1000 gallon

\$28,370.56

Difference from Aztec Bill

\$12,043.52



City of Bloomfield P.O. BOX 1839 915 N. 1st Street Bloomfield, NM 87413 (505) 632-6305 www.bloomfieldnm.com

CITY OF AZTEC 201 W CHACO AZTEC, NM 87410

** FINAL BILL **

Account Number	AMOUNT DUE
651-440000-000	\$16,327.04
Due Date	After Due Date Pay
11/16/2015	\$16,327.04
Accol	unt Name
CITY	OF AZTEC
Service	e Address
44000 LOAI	DING STATION
Amoun	t Enclosed

There will be a charge on all returned checks.
Please return this portion with your payment.
When paying In person, please bring both portions of this bill.

CUSTOMER ACCOUNT INFORMATION - RETAIN FOR YOUR RECORDS

	Name			Servic	Account Number		
	CITY OF AZTI	EC		44000 LOAI	651-440000-000		
Status		Service Dates		Bill Date	Transmitter #	Due Date	
Status	From	То	# Days	DIII Date	Hansiiittei #	Due Date	
Disconnect	10/29/2015	11/2/2015	4	11/2/2015		11/16/2015	
					PREVIOUS BALANCE	\$0.00	
					PAYMENTS	\$0.00	
					ADJUSTMENTS	\$0.00	
					PENALTIES	\$0.00	
					PAST DUE AMOUNT	\$0.00	
CURR	ENT	PREVIO	ous				
DATE	READING	DATE	READING	USAGE			
					TAX	\$0.00	
					CURRENT BILL	\$16,327.04	
					AMOUNT DUE	\$16,327.04	

THIS IS YOUR FINAL BILL FOR SERVICE AT THIS ADDRESS. PLEASE PAY PROMPTLY. ANY UNPAID BALANCES WILL CONTINUE TO ACCRUE LATE PENALTIES AND BE PLACED WITH A COLLECTION AGENCY.

Jason Thomas

From:

Purchasing

Sent:

Tuesday, January 05, 2016 10:49 AM

To:

Jason Thomas

Subject:

Receipt #R00050212

City of Bloomfield 915 N. 1st Street Bloomfield, NM 87413 505-632-6305

DATE: 11/17/2015 2:15 PM

OPER: 002 TKBY: MS TERM: 2

REC#: R00050212 1 UTILITY PAYMENT

651-440000-000 : CITY OF AZTEC Utility Payment -16327.04 Balance After Payment 0.00

2-CHECK 16327.04

Jason Thomas

From:

Rubin Armenta

Sent:

Tuesday, January 05, 2016 5:50 PM

To:

Jason Thomas

Subject:

FW: WATER REVENUE

This is what Glenda came up with for August 2015 & 2014.

From: Glenda Dugger

Sent: Tuesday, January 05, 2016 5:43 PM

To: Rubin Armenta <RArmenta@bloomfieldnm.com>; Jason Thomas <jthomas@bloomfieldnm.com>

Subject: WATER REVENUE

Rubin,

I ran the monthly billing reports for both August 2014 and August 2015.

Revenue Code	August 2014	August 2015
100-Water	\$278,527.74	\$174,990.28
820-Hydrant	\$7,649.10	\$4,009.79

Hope this is what you need.

City of Bloomfield, NM - Overtime to Deliver Water to Aztec during the Animas River Spill

	EMPLOYEE NAME	DATE	OVERTIME HRLY RATE	HOURS	SALARY	FICA	MED	TOTAL
b)(6)								
0)(0)		08/14/15	30.89	2	61.78	3.83	0.90	66.5
		08/15/15	30.89	2	61.78	3.83	0.90	66.5
		08/16/15	30.89	2	61.78	3.83	0.90	66.5
)(6)								
/(5)		08/17/15	31.84	2	63.68	3.95	0.92	68.5
		08/20/15	31.84	2	63.68	3.95	0.92	68.5
(6)		08/13/15	32.77	1	32.77	2.03	0.48	35.2
		08/18/15	32.77	1	32.77	2.03	0.48	35.2
		08/19/15	32.77	2	65.55	4.06	0.95	70.5
		08/24/15	32.77	2	65.55	4.06	0.95	70.5
		08/25/15	32.77	2	65.55	4.06	0.95	70.5
0)(6)		08/15/15	27.45	2	54.90	3.40	0.80	59.1
		08/16/15	27.45	2	54.90	3.40		

TOTAL SALARY AND BENEFITS 737.05

TIME SHEET BI-WEEKLY (b)(6)8/2/2015 PAY PERIOD STARTING NAME PAY PERIOD ENDING 8/15/2015 DEPT. 21 EMPLOYEE # WORK WEEK IS SUNDAY THRU SATURDAY OTHERWISE SHOW HOURS WORKED H-HOLIDAY X-NOT SCHEDULED TO WORK W TH S TOTAL HOURS TH S S M S M 14 15 7 8 9 10 11 12 13 5 6 2 3 4 DATE X Х TIME WORKED X X X 80 10 10 10 10 10 10 10 10 REGULAR TIME TAKEN OFF *JOB RELATED 0 SICKNESS OTHER SICKNESS 0 VACATION 0 PERSONAL HOL 0 ADM LEAVE 0 BERV LEAVE 80 TOTAL REGULAR, SICKNESS, VACATION, PERSONAL, ADM, AND BERV. LEAVE HOURS 0 **O.T. STBY 0 EARNED ST 4 2 2 OT **SHOW BELOW; DATE, TIME, AND SERVICE PERFORMED FOR ALL STANDBY AND OVERTIME HOURS WORKED *JOB RELATED ILLNESS OR INJURY, EXPLANATION MUST BE ATTACHED FOR WORKERS COMP. SUPERVISOR SIGNATURE EMPLOYEE SIGNATURE OVERTIME EARNED INDICATED FROM ABOVE IS EXPLAINED AS FOLLOWS: SUI(b)(6) HOURS REASON DATE 2 making water to sell to Aztec 8/14/2015 2 making water to sell to Aztec 8/15/2015

REASON

SUPERVISOR

JOB RELATED ILLNESS OR INJURY EXPLANATION AS FOLLOWS:

DATE

HOURS

									IE SHE							
(b)(6)									WEEK							
NAME								•					8/16/201			
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		S	M	Т	W	TH	F	S	S	M	Т	W	TH	F	S	TOTAL HOURS
NATE		16	17	18	19	20	21	22	23	24	25	26	27	28	29	
OATE CORKED		10	X	X	X	20		24		X	X	X				
REGULAR		10	^	^	3.0	10	10	10	10				10	10	10	80
TIME TAKEN																
OFF																
JOB RELATED																0
SICKNESS OTHER		-		_			-						-			
SICKNESS																0
VACATION																0
PERSONAL HOL																0
ADM LEAVE																0
BERV LEAVE																0
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JOB RELATED ILLNESS (DATE	DR INJURY	EXPLA DURS	NATIO	N AS F	FOLLO	WS:	REA	SON						SI	JPER	VISOR
	DR INJURY	EXPLA	NATIO	N AS F	FOLLO	WS:	REA	SON						SI	JPER	VISOR
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JOB RELATED ILLNESS (DATE	DR INJURY	EXPLA	NATIC	N AS F	FOLLO	ws:	REA	SON						SI	JPER	VISOR
	DR INJURY	EXPLA	NATIO	N AS F	FOLLO	WS:	REA	SON						SI	JPER	VISOR

TIME SHEET

NAME	(b)(6)		PAY PERIOD STARTING	8/16/2015
DEPT.	21	EMPLO(b)(6)	PAY PERIOD ENDING	8/29/2015

WORK WEEK IS SUNDAY THRU SATURDAY

X-NOT SCHEDULED TO WORK				
	T C	CHED	TO 1	$M \cap RK$

H-HOLIDAY

OTHERWISE SHOW HOURS WORKED

		S	М	Т	W	TH	F	S	S	М	T	W	TH	F	S	TOTAL HOURS
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TIME TAKEN OFF																
*JOB RELATED SICKNESS																0
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SICKNESS																
VACATION																
PERSONAL HOL																0
ADM LEAVE																00
BERV LEAVE																0
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	OT		2			2					2					6

**SHOW BELOW; DATE, TIME, AND SERVICE PERFORMED FOR ALL STANDBY AND OVERTIME HOURS WORKED.
*JOB RELATED ILLNESS OR INJURY EXPLANATION MUST BE ATTACHED FOR WORKEDS COMP
(D)(6)

EMPLOYEE SIGNATURE

SUPERVISOR SIGNATURE

OVERTIME EARNED INDICATED FROM ABOVE IS EXPLAINED AS FOLLOWS:

DATE	HOURS	REASON	SLIPERVISOR (b)(6)
8/17/2015	2	sending treated water to aztec	(b)(8)
8/20/2015	2	sending treated water to aztec	
8/25/2015	2 2	filled in for co-worker training	
8/21/2015	2	oncall	
8/22/2015	4	oncall	
8/23/2015	4	oncall	
8/24/2015	2	oncall	

JOB RELATED ILLNESS OR INJURY EXPLANATION AS FOLLOWS:

DATE	HOURS	REASON	SUPERVISOR					

							ME SH						-			
(b)(6)									PAY F	PERIO	STÁR	TING	8/2/2015			
DEPT. <u>21</u>		E	MPLO	YEE#	(b)(6)				PAY	PERIO	ENDI	NG	8/15/2015	5		
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VACATION HOL		-	-					_		+						0
PERSONAL HOL		_	-		-											0
ADM LEAVE BERV LEAVE																0
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8/3/2015		stby	-		alled o	ut to w	ork or	filter	#2 prof	olems						
8/2/2015 8/8/2015		stby	1	on ca		OL LO VI	OIK OI	111101	IL pro							
8/13/2015		ot			oing wa	ater to	city of	Aztec								
JOB RELATED ILLNES	S OR INJURY EX	(PLAN	ATION	AS FO	LLOW	S:	REA	SON						S	UPER'	VISOR
DATE	HC	CAO					NEA	JOIN						1		

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(b)(6)	
21	

EMPLOYEE # (b)(6)

PAY PERIOD STARTING _______
PAY PERIOD ENDING ______

8/16/2015 8/29/2015

WORK WEEK IS SUNDAY THRU SATURDAY

X-NOT	SCHEDUL	FD	TO	WORK

H-HOLIDAY

OTHERWISE SHOW HOURS WORKED

		S	М	Т	W	TH	F	S	S	M	Т	W	TH	F	S	TOTAL HOURS
DATE	1	16	17	18	19	20	21	22	23	24	25	26	27	28	29	
TIME WORKED REGULAR		10	x	x	х	10	10	10	10	5	х	×	5	10	10	80
TIME TAKEN OFF														_	r -	T
*JOB RELATED SICKNESS														<u></u>		0
OTHER SICKNESS															_	0
VACATION														-	-	0
PERSONAL HOL														-	_	0
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EMPLOYEE SIGNATURE

SUPERVISOR SIGNATURE

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8/21/2015	3	MINY PROBLEMS (OVERTIME)	
8/25/2015	4	SAFETY TRAINING (OVERTIME)	

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Media Release

Bloomfield Water Conservation Request

August 13, 2015

Jason Thomas, Public Works Director, 505-333-7816

BLOOMFIELD – It's all about doing the right thing, because doing the right thing is always the right thing to do.

That is one of Bloomfield Mayor Scott Eckstein's mantras, and the City of Bloomfield is doing the right thing by helping its sister city, Aztec, provide safe drinking water for its residents.

The release of contaminated water from a breech at the Gold King Mine north of Silverton, Colo., recently sent more than 3 million gallons of toxic mine waste down the Animas River, where the City of Aztec gets its water. Aztec has imposed mandatory water restrictions on its citizens and businesses, said Bloomfield Public Works Director Jason Thomas.

"The City of Bloomfield has also limited the use of city water on its parks and ballfields," Thomas said. "And while Bloomfield gets its water from the San Juan River so our water isn't affected by the breech, as neighbors of Aztec, we're all in this together."

Residents of Bloomfield and its businesses are being asked to voluntarily conserve city water.

"We're asking our citizens to water lawns, gardens and landscaping between the hours of four and ten in the morning or from six and ten at night," Thomas said, adding that sidewalks, driveways and vehicles should also not be washed until further notice.

Bloomfield Mayor Scott Eckstein said he hopes Bloomfield residents will help conserve water to help the city's friends and neighbors in Aztec.

"This is an unfortunate situation, but it also gives us an opportunity to come together as communities to work together to get through it," Eckstein said. "Aztec has helped Bloomfield in the past during emergencies and we're happy to be able to return those favors."

For more information, call Jason Thomas at 505-333-7816.